

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TIMOTHY F. CHENAULT,

Plaintiff,

Civil No. 05-876-CO

v.

FINDINGS AND  
RECOMMENDATION

CARL YABER, et al.,

Defendants.

COONEY, Magistrate Judge.

By Order (#5) entered September 8, 2005, plaintiff was directed to notify the court of his present address within 14 days and advised that failure to do so would result in the dismissal of this case for failure to prosecute. The court's order, sent to plaintiff at his address of record was returned as undeliverable.

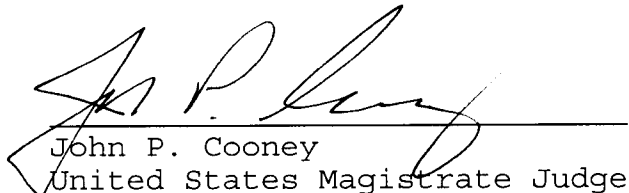
Plaintiff has apparently abandoned his claims and in any event has failed to notify the court of his change of address

as required by the Federal Rules.

This case should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 17 day of October, 2005.

  
John P. Cooney  
United States Magistrate Judge